

Superior Court of California
County of Riverside
Answer to Domestic Violence Restraining Order
Cover Sheet

Your Information:

Name (First, Middle, Last):

Street Address:

City, State, Zip Code:

Telephone Number (home or cellular):

Person Who Asked for Restraining Order:

Name (First, Middle, Last):

Case Number (as listed on Request for Restraining Order):

Do you agree or disagree with the protected parties requests?

Personal Conduct Orders	Agree	Disagree
Stay-Away Order	Agree	Disagree
Move-Out Order	Agree	Disagree
Child Custody	Agree	Disagree
Visitation	Agree	Disagree
Child Support	Agree	Disagree
Spousal Support	Agree	Disagree
Property Control	Agree	Disagree
Debt Payment	Agree	Disagree
Property Restraint	Agree	Disagree
Attorney Fees and Costs	Agree	Disagree
Payments (Costs & Services)	Agree	Disagree
Animals	Agree	Disagree
Batterer Intervention Program	Agree	Disagree
Other Orders	Agree	Disagree

Court Address (as listed on Request for Restraining Order):

4175 Main Street, Riverside, CA 92501

880 N. State St., Hemet, CA 92543

46-200 Oasis St., Indio, CA 92201

265 N. Broadway, Blythe, CA 92225

Today's Date:

What does a restraining order do?

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

Read the order carefully. If you disobey the order, you can be sent to jail, fined, or both.

What if I have a gun?

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810.

Should I go to the hearing?

Yes. Go to court on the hearing date listed on page one of Form DV-109. If you do not go to court, the judge can make the orders without hearing from you.

How do I tell my side of the story?

File Form DV-120, *Answer to Temporary Restraining Order*, before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy. Bring copies of all documents to the hearing.

What if I have a witness?

You may file a witness statement (also known as a declaration), signed under penalty of perjury, by anyone who has personal knowledge of the facts. You must file and mail witness statements or other documents that support your case at least two days before the hearing or when you mail your *Answer* (Form DV-120) to the protected person. A witness must go to the hearing for the judge to consider the witness statement.

Do I have to get a lawyer?

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services or go to www.courtinfo.ca.gov/selfhelp/lowcost.

DV-109 Notice of Court Hearing

1 Name of person asking for protection:
 Address (skip this if the person above has a lawyer) (If you want your home address to be private, give a mailing address instead):
 City: _____ State: _____ Zip: _____
 Telephone (optional): _____ Fax (optional): _____
 Name: _____
 Firm name: _____
 Street address: _____ State Bar no.: _____
 City: _____
 Telephone: _____
 E-mail: _____

2 Name of person to be restrained:
 State: _____ Zip: _____
 Fax: _____

3 **Notice of Court Hearing**
 A court hearing is scheduled on the request for orders against you to stop domestic violence.
 The court will fill out the rest of this form.
 To file Person in 2
 Clerk stamps date here when form is filed
 Fill in court name and street address:
 Superior Court of California, County of _____
 Case Number: _____

4 **Temporary Restraining Orders** (any orders granted are attached on Form DV-110)
 a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, Request for Order, are:
 (1) ☐ All granted until the court hearing
 (2) ☐ All denied until the court hearing
 (3) ☐ Partly granted and partly denied until the court hearing (specify reasons for denial in (b))
 b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:
 (1) ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)

This is a Court Order.
Notice of Court Hearing
 (Domestic Violence)

DV-109, Page 1 of 3

What if I also have criminal charges against me?

See a lawyer. Anything you say or write can be used against you in your criminal case.

What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

Ask who can help you file a restraining order request.

Will I see the protected person at the court hearing?

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge says you can.

How long does the order last?

The first (temporary) order lasts until the expiration date. At that time, the judge will decide whether to grant or deny a longer-term order. That order can last for up to five years. Spousal support orders can last longer than five years. Custody, visitation, and child support orders can last until the child turns 18.

What if the protected person contacts me?

No matter what, you have to follow the court order. The order does not affect the protected person. It only affects what *you* can do.

Can the protected person and I make an agreement to cancel the order?

No. Only the judge can change or cancel the order.

What happens if I don't obey the court order?

The police can arrest you. You can go to jail, pay a fine, or both.

What if I don't have a green card?

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

What if I don't speak English?

Ask someone who speaks English to call the court clerk before your hearing and ask for a court interpreter. If an interpreter is not available, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

What if I am deaf or hard of hearing?**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number:

Case Number:**1** Name of person who asked for the order (protected person):
_____**2** Your name: _____Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*):

_____**Give the judge your answers to DV-100:****3** ☐ **Personal Conduct Orders**I ☐ do ☐ do not agree to the order requested.**4** ☐ **Stay-Away Order**I ☐ do ☐ do not agree to the order requested.**5** ☐ **Move-Out Order**I ☐ do ☐ do not agree to the order requested.**6** ☐ **Child Custody**a. I ☐ do ☐ do not agree to the custody order requested.b. ☐ I am not the parent of the child listed in DV-105.c. ☐ I ask for the following custody order (*specify*):

_____d. I ☐ do ☐ do not agree to the orders requested to prevent child abduction.**7** ☐ **Visitation**a. I ☐ do ☐ do not agree to the visitation order requested.b. ☐ I ask for the following visitation order (*specify*): _____
_____**8** ☐ **Child Support**a. I ☐ do ☐ do not agree to the order requested.b. ☐ I agree to pay guideline child support.*You must fill out, serve, and file Form FL-150 or FL-155.***9** ☐ **Spousal Support**I ☐ do ☐ do not agree to the order requested.*Whether or not you agree, you must fill out, serve, and file Form FL-150.*

The judge can consider your Answer at the hearing. Write your hearing date and time here:


**Hearing
Date**→ Date: _____ Time: _____
Dept.: _____ Room: _____**You must obey the orders until the hearing.**

If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

Your name: _____

- 10** ☐ **Property Control**
I ☐ do ☐ do not agree to the order requested.
*If you have other requests, list them in **(20)** below.*
- 11** ☐ **Debt Payment**
I ☐ do ☐ do not agree to the order requested.
*If you have other requests, list them in **(20)** below.*
- 12** ☐ **Property Restraint**
I ☐ do ☐ do not agree to the order requested.
*If you have other requests, list them in **(20)** below.*
- 13** ☐ **Attorney Fees and Costs**
I ☐ do ☐ do not agree to the order requested.
- 14** ☐ **Payments for Costs and Services**
I ☐ do ☐ do not agree to the order requested.
- 15** ☐ **Animals**
I ☐ do ☐ do not agree to the order requested.
- 16** ☐ **Batterer Intervention Program**
I ☐ do ☐ do not agree to the order requested.
- 17** ☐ **Other Orders** (see item 21 on Form DV-100)
I ☐ do ☐ do not agree to the orders requested.
- 18** ☐ **Turn in guns or other firearms.**
a. ☐ I do not own or have any guns or firearms.
b. ☐ I ☐ have ☐ have not turned in my guns and firearms to the police or a licensed gun dealer.
c. ☐ A copy of the receipt ☐ is attached. ☐ has already been filed with the court.
You must file a receipt with the court within 48 hours after being served with temporary orders.
- 19** ☐ **I ask the court to order payment of my**
a. ☐ Attorney fees
b. ☐ Out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150.
- 20** ☐ **My Answer to the Statements in DV-100 and Other Requests**
Please attach your statement. Write "DV-120, Item 20—More Information" at the top. Be specific.
- 21** ☐ I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name _____
Sign your name

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

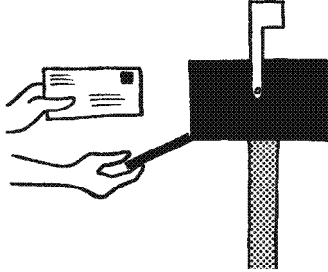
☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (*Specify*):

Clerk stamps below when form is filed.

1 Protected person's name: _____**2** Restrained person's name: _____**3 Notice to Server**

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Mail a copy of all documents checked in **4** to the person in **5**.



Court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:**4** I mailed to the person in **5** a copy of all documents checked below:

- a. ☐ DV-112 (*Waiver of Hearing on Denied Request for Temporary Restraining Order*)
- b. ☐ DV-120 (*Answer to Temporary Restraining Order*)
- c. ☐ FL-150 (*Income and Expense Declaration*)
- d. ☐ FL-155 (*Financial Statement (Simplified)*)
- e. ☐ DV-130 (*Restraining Order After Hearing*)
- f. ☐ Other (*specify*): _____

Note: You cannot serve forms DV-100, DV-105, DV-109, or DV-110 by mail.**5** I placed copies of the documents checked above in a sealed envelope and mailed them as listed below:

- a. Date: _____ b. Mailed from (*city*): _____ (*state*): _____
- c. Mailed to (*name*): _____
- d. At this address: _____

6 Server's Information

Name: _____

Address: _____

Telephone: _____

(If you are a process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name_____
Server to sign here